

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte YI HU,  
BORIS NEPOMNICHY, and  
D. WADE WALKE

---

Appeal No. 2004-2383  
Application 10/041,770

11/30/2005

**ORDER DISMISSING APPEAL**

---

Before HARKCOM, Acting Chief Administrative Patent Judge,  
WILLIAM F. SMITH and GRIMES, Administrative Patent Judges.

Per curiam.

An "ORDER UNDER 37 CFR § 41.50(d)" was mailed on November 30, 2004. In response, appellants filed a withdrawal of the application "in order to pursue claims in a continuing application" on December 30, 2004.

Accordingly, it is

ORDERED that the appeal is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

  
Gary V. Harkcom, Acting Chief )  
Administrative Patent Judge )  
  
  
William F. Smith )  
Administrative Patent Judge )  
  
  
Eric Grimes )  
Administrative Patent Judge )  
  
} BOARD OF PATENT  
} APPEAL  
} INTERFERENCES

Lexicon Genetics Inc.  
800 Technology Forest Place  
The Woodlands, TX 77381-1160

dem